

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DONALD L. PALMER,

: Case No. C-1-00-882

Petitioner,

District Judge Thomas M. Rose

-vs-

Chief Magistrate Judge Michael R. Merz

MARGARET A. BAGLEY, Warden,

:

Respondent.

ORDER STRIKING SUPPLEMENTAL MEMORANDUM

This case is before the Court on the filing of Petitioner's Reply Memorandum in Support of Objections to Report and Recommendations (Doc. No. 113).

The Magistrate Judge filed a Report and Recommendations for disposition of this capital habeas corpus case on the merits on December 16, 2005 (Doc. No. 103). After four extensions of time, Petitioner filed his Objections on February 28, 2006 (Doc. No. 110). Respondent timely replied to those Objections on March 13, 2006 (Doc. No. 111). Petitioner then filed his Reply Memorandum on March 24, 2006.

Fed. R. Civ. P. 72(b) provides in pertinent part:

Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof.

Thus the Rules of Civil Procedure make no provision for a reply memorandum in support of a set of objections. Nor has Petitioner sought permission from the Court or agreement of Respondent to filing

a reply memorandum.

Accordingly, the Reply Memorandum is stricken without prejudice to Petitioner's seeking leave to file such a document after compliance with S. D. Ohio Civ. R. 7.3.

March 25, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge